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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICARDO O. BARAHONA-GONZALEZ, an
Individual;

Plaintiff

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a Foreign Corporation;
DOES I through 10, inclusive; and ROE
CORPORATIONS 1 through 10, inclusive,

Defendants.

CASE NO: 2:24-cv-01466-JAD-EJY

[ECF No. 9]

**STIPULATION AND ORDER FOR DISMISSAL OF EXTRA-CONTRACTUAL
(BAD FAITH AND PUNITIVE DAMAGES) CLAIMS, WITH PREJUDICE,
AND REMAND TO NEVADA STATE COURT**

IT IS HEREBY STIPULATED by and between RICARDO O. BARAHONA-GONZALEZ, by and through his counsel of record, RALPH SCHWARTZ, ESQ., of RALPH A. SCHWARTZ PC, and Defendant, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (hereinafter "STATE FARM"), by and through their counsel JENNIFER INSLEY MICHERI, ESQ., of the law firm of DENNETT WINSPEAR, LLP, that Plaintiff's claims for extra-contractual (bad faith), punitive damages (including but not limited to Plaintiff's Second Claim for Relief, as well as alleged breach of good faith and fair dealing, and alleged unreasonable and wrongful conduct), and any other claims involving claims beyond any alleged breach of contract, and/or between STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, and RICARDO O. BARAHONA-GONZALEZ, are hereby dismissed, with prejudice.

1 In addition, the parties hereto also agree that this matter be remanded, by agreement, for
2 resolution of the alleged breach of contract claim to Nevada State Court.

3 Both sides acknowledge that each side will bear their own attorneys' fees and costs as it
4 relates to the litigation incurred in this litigation thus far.

5 DATED: 10/1/2024

DATED: 10/1/2024

6 **RALPH A. SCHWARTZ, PC**

DENNETT WINSPEAR, LLP

7
8 By /s/ Ralph A. Schwartz
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14 **Attorneys for Plaintiff,**
15 **Ricardo Barahona-Gonzales**

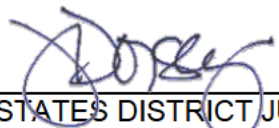
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16 **ORDER**

17 UPON stipulation of counsel and good cause appearing,

18 **IT IS HEREBY ORDERED** that Plaintiff's claims for extra-contractual (bad faith),
19 punitive damages, and any other claims involving claims beyond alleged breach of contract
20 against STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, by RICARDO O.
21 BARAHONA-GONZALEZ, are hereby DISMISSED WITH PREJUDICE, each party
22 to bear their own attorneys' fees and costs.

23 **IT IS FURTHER ORDERED** that because it appears that this court lacks jurisdiction over
24 the remaining claim, IT IS ORDERED that **the Clerk of Court is directed to REMAND THIS**
25 **CASE** back to the Eighth Judicial District Court for Clark County, Nevada, Case No. A-24-894963-
26 C, Department No. 5; SEND a copy of this remand order, along with the docket sheet for this case
27 to the state court; and **CLOSE THIS CASE.**

28 
UNITED STATES DISTRICT JUDGE
DATED: October 2, 2024